

8761. Adulteration and misbranding of vinegar. U. S. * * * v. 49 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 12581. I. S. No. 12464-r. S. No. C-1880.)

On April 13, 1920, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 49 barrels of vinegar, remaining unsold in the original unbroken packages at Columbus, Ohio, shipped on or about September 10, 1919, by the Kistler Vinegar Works, Stroudsburg, Pa., and transported from the State of Pennsylvania into the State of Ohio, and charging adulteration and misbranding under the Food and Drugs Act. The article was labeled in part, "Pure Fermented Apple Cider Vinegar."

Adulteration of the article was alleged in the libel for the reason that vinegar made from evaporated or dried apple products had been mixed and packed with, and substituted wholly or in part for, the article.

Misbranding of the article was alleged for the reason that the labels, marks, and brands aforesaid, regarding the said article and the ingredients and substances contained therein, were false and misleading in that said article was not pure fermented apple cider vinegar, but was in fact prepared from evaporated or dried apple products. Misbranding was alleged for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, pure fermented apple cider vinegar.

On May 18, 1920, G. W. Bobb Co., Columbus, Ohio, claimant, having filed an answer, a consent decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

8762. Adulteration of oats. U. S. * * * v. 40,000 Pounds of Oats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12584. I. S. No. 15233-r. S. No. E-2075.)

On April 14, 1920, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40,000 pounds of oats, remaining unsold in the original unbroken packages at Lawrence, Mass., shipped on or about December 30, 1919, by Bartlett, Frazier Co., Indiana Harbor, Ind., and transported from the State of Indiana into the State of Massachusetts, and charging adulteration under the Food and Drugs Act.

Examination of a sample by the Bureau of Chemistry of this department showed that the product contained castor bean pomace.

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous or other added deleterious ingredient which might render the article injurious to health.

On June 25, 1920, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*